

REMARKS

Claim 1 has been amended so as to incorporate the feature that "the control information is obtained by performing running OPC (Optimum Power Calibration) which is performed in parallel with the recording of the recording data".

Claim 5 has been amended so as to convert it to independent form by reciting the features originally recited in claim 1. In addition, the claim 5 has been amended so as to incorporate the features "a correcting device for correcting the control information recorded in said recording control area of said information recording medium, on the basis of a result of running OPC (Optimum Power Calibration) which is performed in parallel with the recording of the record information" and an optimizing device optimizes laser power on the basis of "at least one of the control information recorded in said recording control area of said information recording medium and the control information corrected by said correcting device".

Claim 7 has also been amended to independent form.

In addition, claims 7 and 14-23 have been amended so as to add the explanation that "running OPC" is "performed in parallel with the recording of the record information".

Dependent claims 14-23 have been amended to independent form.

These amendments are based on the recitation "the running OPC is calibration of the recording laser power, performed in parallel with the recording operation of the data" in the specification, page 46, line 12 thereof.

For this reason, it is clear that these are proper.

Reconsideration is accordingly respectfully requested, for the rejection of the claims as anticipated by Miyata.

An information recording apparatus of claim 5 of the present application can correct control information, which is recorded on an information recording medium, for correction controlling laser power in accordance with a recording position in the recording area of the information recording medium, on the basis of a result of the running OPC. The claimed apparatus also can optimize laser power on the basis of at least one of the control information and the corrected control information.

An information recording apparatus of claim 7 of the present application can generate control information which indicates an association between information which represents the recording position and information which represents the optimum laser power and can correct the control information on the basis of a result of the running OPC. In addition, the claimed apparatus can record at least one of the generated control information and the corrected control information. Thus the claimed apparatus can control laser power for recording the data on the basis of the recorded control information.

By contrast, Miyata fails to disclose and teach correcting the control information on the basis of the result of the running OPC. Miyata merely teaches "the steps of: writing two OPC areas with varying recording powers in a constant angular velocity zone of the disk; determining an optimum recording power for each of the two OPC areas; and determining a recording power distribution proportional to both linear velocity and a ratio of the radii of said two optimum power control areas for the constant angular velocity zone of the disk by analyzing the optimum recording power which was determined for the two OPC areas".

As explained above, the claimed apparatus of the present application has a novel feature of correcting control information for controlling the laser power on the basis of the running OPC, which is performed in parallel with the recording of the record information.

Because of this novel feature, the claimed apparatus can control the laser power on the basis of the corrected control information which is more suitable for the purpose of recording / reproducing the information.

Furthermore, since the same argument can be applied to dependent claims 6 and 8-13, and claims 1-5 and 14-23 which are merely different in their category, the rejection based on 35 U.S.C 102 with respect to claims 1-6 and 8-23 should be withdrawn.

Reconsideration is also respectfully requested, for the rejection of claims as unpatentable over Miyata in view of Ito et al. The rejection falls down on Miyata, for the reasons given above. Ito et al. teach the second feature for which it is applied; but as this does not correct the deficiencies of Miyata for reference purposes, it is not believed to be necessary to discuss Ito et al. in greater detail at this time.

In short: the claims of the present application are allowable, because they recite a novel and obvious feature of correcting control information for controlling laser power, on the basis of the running OPC. The running OPC is performed in parallel with the recording of the record information. Neither Miyata nor Ito et al. discloses these features.

In view of the present amendment and the foregoing remarks, therefore, it is believed that this application has been placed in condition for allowance, and reconsideration of allowance is respectfully requested.

Please charge the fee of \$ 2,200.00 for the extra independent claims added herewith to our credit card set forth in the attached Credit Card Payment Form.

The Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Robert J. Patch/
Robert J. Patch, Reg. No. 17,355
Customer No. 00466
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

RJP/jad